

224929US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:
KAMMERER ET AL.

:
: GROUP ART UNIT: 3736

SERIAL NO: 09/873,571

: EXAMINER: LACYK, J.

FILED: June 4, 2001

:

FOR: SURGICAL INSTRUMENT AND :
METHOD FOR TREATING FEMALE
URINARY INCONTINENCE

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OFFICE OF PETITIONS

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TECHNOLOGY CENTER R3700

PETITION UNDER 37 CFR 1.313(b) TO WITHDRAW FROM ISSUE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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SIR:

The undersigned hereby requests that the Office withdraw the above-referenced application from issue because the application includes (1) a claim that is unpatentable and/or (2) at least one claim that interferes with claims presented in application serial No. 09/917,443.

Attached hereto is a copy of the 37 CFR 1.604 request filed with regard to the '443 application. That request asserts why the applicants of the '443 application believe that claim 2 of the above-referenced application is unpatentable. In the event that the Office disagrees and concludes that the subject matter defined by claim 2 is patentable, applicants of the '443 application have shown why they are entitled to a claim presenting that subject matter and hence an interference should be declared.

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A copy of this paper has been attached to the 37 CFR 1.604 request.

Respectfully submitted,

W. Todd Baker

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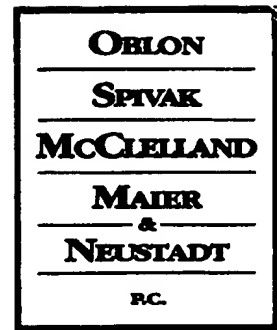


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Docket No.: 224929US

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

RE: Application Serial No.: 09/873,571
Applicants: Kammerer et al.
Filing Date: None
For: Surgical Instrument and Method for Treating Female Urinary
Incontinence
Group Art Unit: 3736
Examiner: Lacyk, J.

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OFFICE OF PETITIONS

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 CFR 1.313(b) to Withdraw From Issue
Copy of 37 CFR 1.604 Request filed in application serial No. 09/917,443

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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